

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

v.

**Affirmation in Support of
Application for Order of Continuance**

JAROL FABIO,

24 Mag. 1724

Defendant.

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Benjamin A. Gianforti, pursuant to Title 28, United States Code, Section 1746, hereby declares under penalty of perjury:

1. I am an Assistant United States Attorney in the Office of Damian Williams, United States Attorney for the Southern District of New York. I submit this affirmation in support of an application for an order of continuance of the time for a preliminary hearing or within which an indictment or information would otherwise have to be filed, pursuant to 18 U.S.C. § 3161(h)(7)(A). This is the third order of continuance that has been sought.

2. The defendant was charged with a violations of Title 18, United States Code, Sections 1960 and 2 and Title 49, United States Code, Sections 46314(a) and (b)(2), in a Complaint dated April 30, 2024. On or about May 7, 2024, the defendant was arrested and presented before United States Magistrate Gary Stein the same day, who released the defendant on certain bail conditions.

3. Under the Speedy Trial Act, the Government is required to file an indictment or information on or before August 7, 2024.

4. On or about July 24, 2024, Lisa Scolari, Esq., counsel to the defendant, confirmed to me, on behalf of her client, her consent for an extension of time for a preliminary hearing or indictment, for thirty days.

5. Ms. Scolari and I are engaged in discussions concerning a possible disposition of this case and are continuing discussions concerning a possible disposition of this case. The negotiations have not been completed, and we plan to continue our discussions but do not anticipate a resolution before the deadline under the Speedy Trial Act expires on August 7, 2024.

6. Therefore, the Government is requesting a continuance until September 6, 2024 to continue the aforementioned discussions and reach a disposition of this matter. I have personally communicated with defense counsel and he consents to this request on his client's behalf.

7. For the reasons stated above, the ends of justice served by the granting of the requested continuance outweigh the best interests of the public and defendant in a speedy trial.

Dated: July 24, 2024

/s Benjamin A. Gianforti
Benjamin A. Gianforti
Assistant United States Attorney
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